

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

THOMAS DOUGLAS, as Administrator of the)
Estate of SEBERA GAYLE DOUGLAS,)
deceased,)

Plaintiff,)

vs.)

TMA FOREST PRODUCTS GROUP, et al.)

Defendants.)

**CASE NUMBER:
2:06-cv-188-WKW-SRW**

SPECIAL APPEARANCE OF D & D LUMBER COMPANY, INC.

Defendant D & D Lumber Company, Inc. (“D & D Lumber”) submits this Special Appearance for the limited purpose of opposing Plaintiff’s Request for Entry of Default. D & D Lumber requests that this Honorable Court enter an order denying Plaintiff’s Request for Entry of Default because Plaintiff fraudulently joined D & D Lumber. D & D Lumber also submits that process and service of process are defective in this matter. D & D Lumber discusses these issues in further detail in its Opposition to Plaintiff’s Request for Entry of Default and Motion to Dismiss, which has been filed contemporaneous herewith.

Respectfully Submitted,

s/ E. Bryan Nichols

H. Thomas Wells, Jr.
Bar Number: WEL004
twells@maynardcooper.com
John A. Earnhardt
Bar Number: EAR006
jearnhardt@maynardcooper.com
E. Bryan Nichols
Bar Number: NIC036
bnichols@maynardcooper.com

OF COUNSEL:

MAYNARD, COOPER & GALE, P.C.
1901 Sixth Avenue North
Suite 2400
Birmingham, Alabama 35203
Telephone: (205) 254-1000
Facsimile: (205) 254-1999

John C. Berghoff Jr
Mark R. Ter Molen
Matthew C. Sostrin
Admitted Pro Hac Vice

MAYER, BROWN, ROWE & MAW, LLP
71 S. Wacker Drive
Chicago, Illinois 60606

Attorneys for Defendant
D & D Lumber Company, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2006, I served the foregoing upon the following persons via U.S. Mail:

COUNSEL FOR DEFENDANTS LOUISIANA-PACIFIC CORPORATION

Dennis R. Bailey
R. Austin Huffaker
Rushton, Stakely, Johnston & Garrett
P. O. Box 270
Montgomery, AL 36101

COUNSEL FOR PLAINTIFF

W. Eason Mitchell
Colon Law Firm
P. O. Box 866
Columbus, MS 39703

Gregory A. Cade
W. Lee Gresham III
Fred R. DeLeon
Environmental Litigation Group
3529 Seventh Avenue South
Birmingham, AL 35222

s/ E. Bryan Nichols

E. Bryan Nichols
1901 Sixth Avenue North
Suite 2400
Birmingham, Alabama 35203
Telephone: (205) 254-1184
Facsimile: (205) 254-1999
E-mail: bnichols@maynardcooper.com
Bar Number: NIC036